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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,124	08/03/2005	Ian Daniel Von Fellenberg	U 015570-8	5067
140 7590 07/02/2010 LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023				
EXAMINER FRANKLIN, JAMARA ALZAIDA				
ART UNIT 2876		PAPER NUMBER		
NOTIFICATION DATE 07/02/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nyuspatactions@ladas.com

Office Action Summary

Application No.

10/521,124

Applicant(s)

VON FELENBERG ET AL.

Examiner

JAMARA A. FRANKLIN

Art Unit

2876

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 9-11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 9-11, and 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 5/11/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7 and 22, and therefore dependent claims 9-11 and 13-20, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 7 and 22, the limitation citing “wherein at least one of the perforations has an elongate cross section with **a minimum and maximum diameter**” is deemed vague and indefinite since the claim language does not set forth a clear understanding as to how any shape may have a minimum and a maximum diameter. A circle has only one diameter. An elongated shape such as a rectangle has no diameter. An elongated shape such as an oval has no diameter.

For examination purposes, the shape of the elongate cross section with a diameter will be interpreted as a rectangle.

Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7, 9-11, and 13-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Turner et al. (US 2003/0038423) (hereinafter referred to as 'Turner').

Turner teaches
regarding claim 7, a security document comprising
a carrier (box side 21), and
a security feature with perforations in said carrier,
wherein at least one of the perforations (rectangle 33) has an elongate cross section with a minimum and a maximum diameter,
wherein at least two of the perforations have different cross sections (shapes 30-35),
wherein said perforations extend through the carrier perpendicular to a surface of the carrier (see figure 2), and
wherein said cross sections have equal areas;
the security document of claim 7, wherein said plurality of perforations comprises a first type and a second type of perforations, wherein the minimum diameter of the first type of perforations is parallel to the maximum diameter of the second type of perforations;
the security document of 7, wherein said plurality of perforations have equal area of cross section and therefore uniform transmission when being viewed from a viewing direction perpendicular a surface of said carrier;
the security document of claim 7, wherein said perforations form a human recognizable transmission pattern when viewed under an angle that is non-perpendicular to a surface of the carrier;

the security document of claim 7 wherein each perforation has substantially uniform cross section through said document;

the security document of claim 7, wherein the carrier is of flexible plastic or paper;

the security document of claim 7, wherein some of said perforations have circular cross section and/or are arranged in a two-dimensional array;

the security document of claim 7, wherein the minimum diameter is substantially equal to or smaller than a thickness of the carrier;

the security document of claim 7, wherein the minimum diameters of all perforations are equal and parallel to each other;

the security document pattern of claim 7, wherein the maximum diameter is at least 1.5 times larger than the minimum diameter;

the security document of claim 7 wherein the security document is a banknote or part of a passport;

the security document of claim 7 wherein at least some of said perforations are arranged in a two-dimensional array;

regarding claim 21, a security document comprising

a carrier (box side 21),

a first type of perforations in (rectangle 33) said carrier having elongate cross section, and

a second type of perforations (circle 32) in said carrier having circular cross section,

wherein said elongate cross section has an equal area to that of said circular cross section,

and

wherein said first and second types of perforations extend through said document in a direction perpendicular to a surface of the carrier (see figure 2);

regarding claim 22, a security document comprising

a carrier, and

a security feature with perforations in said carrier,

wherein at least one of the perforations has an elongate shape with a minimum and a maximum diameter,

wherein at least two of the perforations have different shapes,

wherein said perforations extend through the carrier perpendicular to a surface of the carrier, and

wherein said shapes have equal areas.

Response to Arguments

5. Applicant's arguments with respect to claims 7, 9-11, and 13-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARA A. FRANKLIN whose telephone number is (571)272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamara A. Franklin/
Primary Examiner, Art Unit 2876

June 19, 2010
JAF